

DECLARATION OF PHILIP B. STARK, PH.D.

19 NOVEMBER 2006

ACLU v. Gonzales

Civ. Action No. 98-5591 (E.D. Pa.)

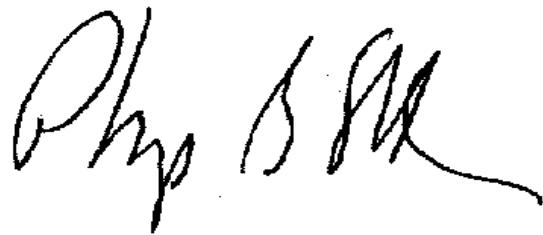
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I declare under penalty of perjury that the following is true and correct:

1. I was asked to review a document prepared by Plaintiffs captioned "Sexually Explicit Domestic Web Pages Not Blocked By AOL Filter." That document purports to calculate some percentages using numbers from the CRA International database upon which my testimony was based. The reported percentages are not reasonable estimates of the chance that minors would be exposed to domestic adult webpages when the AOL filter is running.
2. The Plaintiffs' calculations have a variety of technical problems and biases. Here are a few examples.
3. The calculations do not take into account differences in the popularity of webpages. There is evidence that, on average, adult webpages receive more traffic than "clean" webpages. Ignoring differences in traffic artificially decreases the percentages.
4. The denominators of the Plaintiffs' percentages are the total numbers of webpages in the datasets. A substantial fraction of those pages—including the

clean pages—could not be viewed by someone using the AOL filter, because they are broken or because the AOL filter would block them. To connect to user experience, the denominators should exclude webpages a user running the AOL filter could not see. Including those webpages in the denominator artificially decreases the percentages.

5. The percentages for the AOL, MSN and Yahoo! queries and the Wordtracker queries do not take into account how often each query was run. Queries that retrieve adult webpages were run more often than average. Ignoring the difference decreases the percentages artificially. The percentages also fail to take into account the fact that different numbers of queries were obtained from AOL, MSN and Yahoo!. That omission also causes bias.

A handwritten signature in black ink, appearing to read "Philip B. Stark".

Dated 20 November 2006.

Philip B. Stark